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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,669	09/22/2005	Stephan Hartwig	915-006.061	7423

4955 7590 01/05/2007
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EXAMINER

DAO, MINH D

ART UNIT	PAPER NUMBER
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2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/519,669	Applicant(s) HARTWIG, STEPHAN	
	Examiner MINH D. DAO	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14-23 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-9,11,12,14-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Kaplan (US 2005/0192025).

Regarding claim 1, Kaplan teaches a method for establishing a connection from a mobile device to a second device both provided with a short range wireless communications module (see fig. 3; section [0004]) comprising the steps of:

determining a present environment of the mobile device determined by means of a present position of the mobile device (see sections [0004,0055,0056,0078,0079]),

determining an address of the second device in dependence on said present environment of the mobile device (see sections [0037,0049]), and

setting up a connection to the second device using the address determined in the previous step (see sections [0004]).

Regarding claim 2, Kaplan teaches

- discovering which devices are available and what their addresses are in parallel with determining the address of the second device in dependence on the present environment (see section [0004,0049]), and
- setting up the connection to the second device upon selecting it by a user using the address discovered in the discovering step (see sections [0004]).

Regarding claim 3, Kaplan teaches that for setting up the connection, the second device is paged by means of the short range wireless communications module of the mobile device using the address determined in dependence on the present environment of the mobile device (see sections [0004]).

Regarding claim 4, Kaplan teaches that the address of the second device is determined by comparing environment data according to the present environment of the mobile device with environment data of devices stored in a memory of the mobile device together with the device address (see section [0037]).

Regarding claim 5, Kaplan teaches that the environment data and the device address of the second device are stored when the mobile device is connected to the second device (see section [0037]).

Regarding claim 6, Kaplan teaches that the environment data of the mobile device being connected to a second device is stored as environment data of the second device (see sections [0037, 0008]).

Regarding claim 7, Kaplan teaches that the environment data of the second device to be stored in the mobile device is transmitted from the second device to the mobile device (see sections [0049]; also see abstract of Kaplan).

Regarding claim 8, Kaplan teaches that the environment data and the device address of the second device are transmitted and stored independently from a connection between the mobile device and the second device (see fig. 3; section [0004]).

Regarding claim 9, Kaplan teaches that in case that only one device address is stored together with environment data corresponding to the present environment of the mobile device a connection to this device is set up automatically (see section [0004]).

Regarding claim 11, Kaplan teaches that more than one device addresses are stored together with environment data corresponding to the present environment of the mobile device, a list of those devices is output to the user for selecting that second device that the user wants the mobile device to be connected to by the wireless communications module (see sections [0004,0049]).

Regarding claim 12, Kaplan teaches that the devices are identified in a name format in the list output to the user (see sections [0004,0049,0037]).

Regarding claim 14, Kaplan teaches that the present position of the mobile device is obtained by determining the position of the mobile device in a cellular radio communications network (see sections [0010,0011]).

Regarding claim 15, Kaplan teaches that the present position of the mobile device is obtained by determining the position of the mobile device by means of a satellites based positioning system, in particular by means of the global positioning system (see section [0055]).

Regarding claim 16, Kaplan teaches that the address of the second device is determined by calculating the device address from the position data of the present position of the mobile device using a predefined deterministic function (see section [0056]).

Regarding claim 17, Kaplan teaches that in the present environment of the mobile device is determined by means of the current user context, wherein the user context comprises information like user name, time information, number connections to the second device at a certain time of the day or similar (see sections [0040,0041]).

Regarding claim 18, the claim includes the limitations as that of claim 1, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 1.

Regarding claim 19, the claim includes the limitations as that of claim 2, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 2.

Regarding claim 20, the claim includes the limitations as that of claim 14, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 14.

Regarding claim 21, the claim includes the limitations as that of claim 15, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 15.

Regarding claim 22, the claim includes the limitations as that of claim 16, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 16.

Regarding claim 23, Kaplan teaches Mobile device as claimed in claim 17, further comprising a memory module for storing environment data (see fig. 3; section [0055]).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaplan (US 2005/0192025).

Regarding claim 10, the rejection of claim 9 is herein incorporated. In addition, the limitation "mobile device is marked as to be automatically connected" does not make the claim allowable because an ordinary exhibit coordinator could obviously place a sign in front of an exhibit for the purpose of informing users of "automatic downloading of information" as they approach the exhibit.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH D. DAO whose telephone number is 571-272-7851. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW ANDERSON can be reached on 571-272-4177. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Minh Dao 
AU 2618
December 28, 2006



Matthew Anderson
Supervisor AU 2618